

AMENDED IN SENATE APRIL 30, 2009

AMENDED IN SENATE APRIL 20, 2009

SENATE BILL

No. 639

Introduced by Senator Calderon

February 27, 2009

An act to add Section ~~25503.56~~ 23396.6 to the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 639, as amended, Calderon. Alcoholic beverage licensees: ~~tasting permits~~ *on-sale tasting license*.

The Alcoholic Beverage Control Act contains various provisions regulating the application for, the issuance of, the suspension of, and the conditions imposed upon, alcoholic beverage licenses by the Department of Alcoholic Beverage Control. Existing law provides for various annual fees for the issuance of alcoholic beverage licenses depending upon the type of license issued.

This bill would add ~~a~~ *an on-sale tasting permit license* to the Alcoholic Beverage Control Act, which would allow the ~~permitholder to designate a portion of the existing licensed premises for the purposes of instructing consumers on the subject of the alcoholic beverage products the licensee is licensed to sell, as specified~~ *licensee to furnish tastes of alcoholic beverages to consumers subject to specified limitations*. The bill would impose an annual fee for a tasting permit of ~~\$250~~ \$750, which would be deposited in the Alcohol Beverage Control Fund ~~and would be used only for the purposes of administering these provisions~~.

The Alcoholic Beverage Control Act provides that a violation of its provisions is a misdemeanor, unless otherwise specified.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 23396.6 is added to the Business and
2 Professions Code, to read:

3 23396.6. (a) Notwithstanding any other provision of this
4 division, the department may issue to the holder of any off-sale
5 retail license an on-sale tasting license for premises operated in
6 conjunction with and immediately adjacent to the off-sale licensed
7 premises.

8 (b) The provisions of Article 2 (commencing with Section 23815)
9 of Chapter 5 do not apply to the issuance of on-sale tasting
10 licenses. In all other respects, on-sale tasting licenses shall be
11 considered on-sale retail public premises licenses.

12 (c) An on-sale tasting license authorizes the licensee to furnish
13 tastes of alcoholic beverages to consumers subject to the following
14 limitations:

15 (1) There shall be no charge for the tasting.

16 (2) Tastings shall be limited to those alcoholic beverages
17 authorized to be sold by the licensee under its off-sale license.

18 (d) An on-sale tasting license shall not be eligible for issuance
19 of a caterer's permit or event permit pursuant to Section 23399.

20 (e) The department may impose reasonable conditions upon the
21 on-sale tasting license including, without limitation, conditions
22 necessary to insure segregation of the on-sale tasting premise from
23 the off-sale retail premise and to insure exclusion of persons under
24 21 years of age from the on-sale tasting premise.

25 (f) An application for a license under this section shall be
26 accompanied by a fee of seven hundred fifty dollars (\$750). The
27 annual renewal fee for a license issued under this section shall be
28 seven hundred fifty dollars (\$750). Fees collected pursuant to this
29 section shall be deposited into the Alcohol Beverage Control Fund.

1 SECTION 1. ~~Section 25503.56 is added to the Business and~~
2 ~~Professions Code, to read:~~

3 ~~25503.56. (a) Notwithstanding any other provision of this~~
4 ~~division, the department may issue a tasting permit to an off-sale~~
5 ~~general licensee. The tasting permit shall authorize the off-sale~~
6 ~~general licensee to designate a portion of the existing licensed~~
7 ~~premises for the purposes of instructing consumers on the subject~~
8 ~~of the alcoholic beverage products that the licensee is licensed to~~
9 ~~sell. The designation of the tasting area shall be made by the~~
10 ~~applicant in the application, and instruction under the permit shall~~
11 ~~be conducted only in the designated area. The instruction may~~
12 ~~include, without limitation, the history, nature, values, and~~
13 ~~characteristics of the alcoholic beverage product and the methods~~
14 ~~of presenting and serving the product. The tastings shall be limited~~
15 ~~as follows:~~

16 ~~(1) A single tasting of distilled spirits shall not exceed~~
17 ~~three-fourths of one ounce per person, per day.~~

18 ~~(2) A single tasting of wine shall not exceed three ounces per~~
19 ~~person, per day.~~

20 ~~(3) A single tasting of beer shall not exceed six ounces per~~
21 ~~person, per day.~~

22 ~~(b) The tasting permit shall not authorize the off-sale general~~
23 ~~licensee to conduct any on-sale retail sales to consumers, and no~~
24 ~~charge of any sort shall be made for the tastings.~~

25 ~~(c) (1) The department shall enforce all applicable laws and~~
26 ~~regulations with regard to tastings to ensure that the tastings are~~
27 ~~appropriately controlled and that access to the tastings area by~~
28 ~~persons under the legal drinking age is strictly prohibited.~~

29 ~~(2) Within the tasting area, the permitholder shall display a sign~~
30 ~~prohibiting the presence of persons under the legal drinking age.~~
31 ~~The permitholder shall verify that any person who enters the tasting~~
32 ~~area is at least the legal drinking age, and shall not allow a~~
33 ~~consumer attending a tasting to leave the tasting area with an~~
34 ~~alcoholic beverage product.~~

35 ~~(d) An applicant for a tasting permit under this section shall, at~~
36 ~~the time of filing the application for the permit, accompany the~~
37 ~~application with a fee of one two hundred fifty dollars (\$250). The~~
38 ~~annual renewal fee for a permit issued pursuant to this section shall~~
39 ~~be two hundred fifty dollars (\$250). Fees collected pursuant to this~~

1 section shall be deposited in the Alcohol Beverage Control Fund,
2 but shall be used only for the purposes of administering this section.

3 (e) (1) Notwithstanding any other provision of this division, a
4 distilled spirits manufacturer, distilled spirits manufacturer's agent,
5 winegrower, winegrower's agent, beer manufacturer, rectifier,
6 distilled spirits general importer, beer and wine general importer,
7 distilled spirits wholesaler, beer and wine wholesaler, or any
8 representative of those licensees, may instruct consumers at the
9 tastings area of permit holder that is otherwise authorized to sell
10 its product, with the permission of the permittee, including, without
11 limitation, selecting the brands featured at the instruction and the
12 pouring of tastings for consumers.

13 (2) Notwithstanding any other provision of this division, a
14 distilled spirits manufacturer, distilled spirits manufacturer's agent,
15 winegrower, winegrower's agent, beer manufacturer, rectifier,
16 distilled spirits general importer, beer and wine general importer,
17 distilled spirits wholesaler, beer and wine wholesaler, or any
18 representative of those licensees, may provide alcoholic beverages
19 necessary to conduct an instruction authorized under this section,
20 and, in such an event, shall remove any unfinished and unopened
21 containers of alcoholic beverages following the tasting. The
22 distilled spirits manufacturer, distilled spirits manufacturer's agent,
23 winegrower, winegrower's agent, beer manufacturer, rectifier,
24 distilled spirits general importer, beer and wine general importer,
25 distilled spirits wholesaler, beer and wine wholesaler, or any
26 representative of those licensees, may purchase alcoholic beverages
27 used in the instruction from the retail off-sale licensee, provided
28 the payment does not exceed the retail price of the alcoholic
29 beverages.

30 (3) Notwithstanding any other provision of this division, a
31 distilled spirits manufacturer, distilled spirits manufacturer's agent,
32 winegrower, winegrower's agent, beer manufacturer, rectifier,
33 distilled spirits general importer, beer and wine general importer,
34 or any representative of those licensees, in advance of an instruction
35 being held at a retailer's premises, may list in an advertisement
36 the name, address, and Internet Web site of the off-sale retailer,
37 the names of the alcoholic beverage brands being featured at the
38 instruction, and the time, date, and location of, and other
39 information about, the tasting, provided that both of the following
40 apply:

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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